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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,103	03/14/2001	Kazuhiro Tomita	108075-00048	2132

4372 7590 01/27/2005

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WASHINGTON, DC 20036

EXAMINER

SHINGLETON, MICHAEL B

ART UNIT	PAPER NUMBER
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2817

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Please find below and/or attached an Office communication concerning this application or proceeding.



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Paper No. 01212005

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**JAN 27 2005**

In re Application of:  
Tomita  
Serial No.: 09/805,103  
Filed: March 14, 2001  
Attorney Docket No.: **108075-0048**

*SUA SPONTE*  
DECISION WITHDRAWING HOLDING OF  
ABANDONMENT

This is a decision, *sua sponte*, withdrawing the holding of abandonment of the above-identified application.

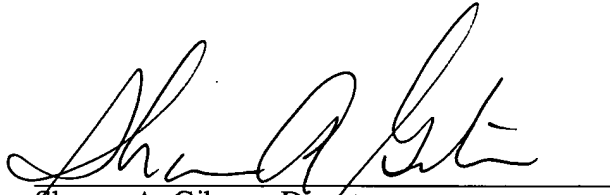
The application was held abandoned for failure to timely file a response to the Final Office action mailed on March 11, 2003. A Notice of Abandonment was mailed on January 12, 2004.

A review of the written record indicates that a Final Office action was mailed on March 11, 2003 setting a three-month shortened statutory period for reply. The review also reveals that a response was filed on June 11, 2003 in response to the Office action mailed on March 11, 2003. The review further reveals that a Request for Continued Examination, a Preliminary Amendment and a Petition for Extension of Time for two months was filed on July 31, 2003, but neither was matched with the application file prior to the mailing of the Notice of Abandonment. The examiner held the application to be abandoned based on applicant's failure to timely reply to the March 11, 2003 Final Office action.

The Request for Continued Examination, the Preliminary Amendment and the Petition for Extension of Time for two months was a timely response to the March 11, 2003 Final Office action, therefore the abandonment of the application was premature. The application was not abandoned in fact.

For the above stated reason, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The application is restored to pending status.

Inquiries related to this decision should be directed to Jose' G. Dees at (571) 272-1569.



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